



**CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS**

ENTERED

**THE DATE OF ENTRY IS ON
THE COURT'S DOCKET**

The following constitutes the ruling of the court and has the force and effect therein described.

Signed February 23, 2023

Stacy L. C. Jamitz
United States Bankruptcy Judge

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

**In re:
ACIS CAPITAL MANAGEMENT, L.P.,
ACIS CAPITAL MANAGEMENT GP,
LLC,**

Debtors.

**ACIS CAPITAL MANAGEMENT, L.P.,
ACIS CAPITAL MANAGEMENT GP,
LLC, Reorganized Debtors,**

Plaintiffs,

VS.

**JAMES DONDERO, FRANK
WATERHOUSE, SCOTT ELLINGTON,
HUNTER COVITZ, ISAAC LEVENTON,
JEAN PAUL SEVILLA, THOMAS
SURGENT, GRANT SCOTT, HEATHER
BESTWICK, WILLIAM SCOTT, AND
CLO HOLDCO, LTD.,**

Defendants.

§ **Case No. 18-30264-SGJ-11**
 § **Case No. 18-30265-SGJ-11**
 §
 § **(Jointly Administered Under Case**
 § **No. 18-30264-SGJ-11)**
 §
 § **Chapter 11**

§
§
§ **Adversary No. 20-03060-SGJ**

ORDER GRANTING ACIS'S AGREED MOTION TO AMEND SCHEDULING ORDER

Before the Court is Acis Capital Management, L.P. ("Acis LP") and Acis Capital Management GP, LLC's ("Acis GP" together with Acis LP, the "Reorganized Debtors," "Debtors," "Acis," or "Plaintiffs"), the Reorganized Debtors in the above-styled and jointly administered bankruptcy cases (the "Bankruptcy Cases") and Plaintiffs in the above-styled adversary proceeding (the "Adversary Proceeding")'s, Agreed Motion for New Scheduling Order. Having considered the briefing, all relevant authority, and the arguments of counsel (if any), the Court finds the Motion to be meritorious. Accordingly, the Court **GRANTS** the Motion and **ORDERS** that these deadlines shall replace and supersede the deadlines in the current Scheduling Order (Dkt. 73):

- A. **TRIAL DOCKET CALL & PRETRIAL CONFERENCE.** The docket call for trial in this matter will be held on **October 2, 2023**, at 1:30 PM at 1100 Commerce Street, 14th Floor, Courtroom #1, Dallas, Texas 75242. Trial will take place during the week of **October 16, 2023** unless otherwise ordered by the Court.
- B. **TRIAL STATUS CONFERENCE.** A status conference will be held on **August 7, 2023**, at 1:30 PM at 1100 Commerce Street, 14th Floor, Courtroom #1, Dallas, Texas 75242. At this status conference, the parties are expected to be prepared to discuss the status of this matter as it relates to its progression to trial.
- C. **RULE 26(F) CONFERENCE.** By **March 3, 2022**, the parties must confer about those matters listed in Federal Rule of Civil Procedure 26(f).
- D. **RULE 26(A)(1) DISCLOSURES.** By **March 17, 2022**, each party must provide to the other parties the initial disclosures required by Federal Rule of Civil Procedure 26(a)(1).

- E. **AMENDMENTS TO PLEADINGS.** By **July 30, 2022**, Plaintiff party must have sought leave to amend its complaint. Response to any amended complaint shall be due within Fifteen (15) days after filing of such amended complaint after leave is granted. With respect to any other pleading on file as of the date of this order other parties shall have until **April 15, 2022** by which to seek leave to amend. All rights are reserved to all Parties with respect to amendment of pleadings.
- F. **EXPERT DISCLOSURES & REPORTS.** By **May 26, 2023**, each party must disclose to the other parties the identity of any witness it may use at trial to present evidence under Federal Rule of Evidence 702, 703, or 705 and provide a report complying with Federal Rule of Civil Procedure 26(a)(2)(B).
- G. **REBUTTAL EXPERT REPORTS.** By **June 30, 2023**, each party must provide to the other parties any written rebuttal expert reports.
- H. **FACT DISCOVERY.** By **July 31, 2023**, the parties must have completed all fact discovery.
- I. **EXPERT DEPOSITIONS.** By **July 31, 2023**, the parties must have completed the depositions of all experts.
- J. **DISPOSITIVE MOTIONS.** By **August 14, 2023**, the parties must have filed all dispositive motions, which must be heard by **September 25, 2023**.
- K. **TRIAL EXHIBITS & TRIAL WITNESSES.** By **October 23, 2023**, the parties must have filed a list of trial exhibits and exchanged all such trial exhibits (except for impeachment documents and demonstratives) and filed a list of witnesses to be called at trial. Each exhibit shall be marked with an exhibit label. By **October 16, 2023**, the parties, after conferring, must file any objections to trial exhibits and trial witnesses. All exhibits not objected to in writing by this date will be admitted into evidence at trial without further

proof. Written objections to exhibits shall be taken up either at the beginning or during trial or at the pretrial conference.

L. **PRE-TRIAL MOTIONS.** By **October 9, 2023**, the parties must have filed all pre-trial motions, such as motions in limine and motions challenging the admissibility of expert testimony.

M. **JOINT PRE-TRIAL ORDER.** By **October 9, 2023**, the parties must have filed a joint pre-trial order in compliance with Local District Court Rule 16.4. All counsel are responsible for preparing the Joint Pretrial Order, which shall contain the following: (a) a summary of the claims and defenses of each party; (b) a statement of stipulated facts; (c) a list of the contested issues of fact; (d) a list of contested issues of law; (e) an estimate of the length of trial; (f) a list of additional matters which would aid in the disposition of the case; and (g) the signature of each attorney.

This Order is being entered without prejudice to the rights of the parties to seek to extend or modify the terms of this Amended Scheduling/Docket Control Order.

End of Order # #

AGREED:

/s/ Michael Lang

Michael Lang

CRAWFORD, WISHNEW & LANG PLLC

1700 Pacific Ave., Suite 2390

Dallas, Texas 75201

Mlang@cwl.law

D: (214) 817-4503

COUNSEL FOR JAMES DONDERO

/s/ Louis M. Phillips

Louis M. Phillips

KELLY HART PITRE

Louis M. Phillips (#10505)

One American Place

301 Main Street, Suite 1600
Baton Rouge, LA 70801-1916
(225) 381-9643
Facsimile: (225) 336-9763
Email: louis.phillips@kellyhart.com
Amelia L. Hurt (LA #36817, TX #24092553)
400 Poydras Street, Suite 1812
New Orleans, LA 70130
Telephone: (504) 522-1812
Facsimile: (504) 522-1813
Email: amelia.hurt@kellyhart.com

and

/s/ Hugh G. Connor II
KELLY HART & HALLMAN
Hugh G. Connor II
State Bar No. 00787272
hugh.connor@kellyhart.com
Michael D. Anderson
State Bar No. 24031699
michael.anderson@kellyhart.com
Katherine T. Hopkins
Texas Bar No. 24070737
katherine.hopkins@kellyhart.com
201 Main Street, Suite 2500
Fort Worth, Texas 76102
Telephone: (817) 332-2500

COUNSEL FOR CLO HOLDCO LTD

/s/ John Kane
John Kane
KANE RUSSELL COLEMAN LOGAN PC
901 Main Street
Suite 5200
Dallas, Texas 75202-3705
Telephone: (214) 777-4200
Telecopy: (214) 777-4299
jkane@krcl.com

COUNSEL FOR GRANT SCOTT

Respectfully and jointly submitted,

/s/ Joseph Y. Ahmad

Joseph Y. Ahmad

Shawn M. Bates

Alexander M. Dvorscak

AHMAD, ZAVITSANOS & MENSING, PLLC

1221 McKinney St. Suite 2500

Houston, Texas 77010

(713) 655-1101 Telephone

(713) 655-0062 Facsimile

joeahmad@azalaw.com

sbates@azalaw.com

advorscak@azalaw.com

**COUNSEL FOR PLAINTIFFS AND
REORGANIZED DEBTORS**

Copies to:

Michael Lang

CRAWFORD, WISHNEW & LANG PLLC 1700

Pacific Ave., Suite 2390

Dallas, Texas 75201

Mlang@cwl.law

D: (214) 817-4503

COUNSEL FOR JAMES DONDERO

Louis M. Phillips

KELLY HART PITRE

Louis M. Phillips (#10505)

One American Place

301 Main Street, Suite 1600

Baton Rouge, LA 70801-1916

(225) 381-9643

Facsimile: (225) 336-9763

Email: louis.phillips@kellyhart.com

Amelia L. Hurt (LA #36817, TX #24092553) 400

Poydras Street, Suite 1812

New Orleans, LA 70130

Telephone: (504) 522-1812

Facsimile: (504) 522-1813

Email: amelia.hurt@kellyhart.com

and

Hugh G. Connor II
KELLY HART & HALLMAN
Hugh G. Connor II
State Bar No. 00787272
hugh.connor@kellyhart.com
Michael D. Anderson
State Bar No. 24031699
michael.anderson@kellyhart.com
Katherine T. Hopkins
Texas Bar No. 24070737
katherine.hopkins@kellyhart.com
201 Main Street, Suite 2500
Fort Worth, Texas 76102
Telephone: (817) 332-2500

COUNSEL FOR CLO HOLDCO LTD

John Kane
KANE RUSSELL COLEMAN LOGAN PC
901 Main Street
Suite 5200
Dallas, Texas 75202-3705
Telephone: (214) 777-4200
Telecopy: (214) 777-4299
jkane@krcl.com

COUNSEL FOR GRANT SCOTT